

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICHAEL R. PEYLA,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 07-cv-579-MJR
vs.)	
)	CRIMINAL NO. 04-cr-30010
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

Petitioner entered an open plea to charges involving the possession and distribution of marijuana. He was sentenced to 150 months imprisonment, five years supervised release, a fine of \$6,000, and a special assessment of \$200. On appeal, he challenged several aspects involving calculation of his sentence, none of which were successful. *United States v. Peyla*, 208 Fed.Appx. 472 (7th Cir., Dec. 12, 2006), *cert. denied*, 127 S.Ct. 2056 (2007), *reh'g denied*, 127 S.Ct. 2908 (2007). Petitioner then filed the instant motion under § 2255.

In his motion, Petitioner raises four grounds for relief: (1) trial counsel was ineffective in failing to properly advise him of the risks of testifying at his sentencing hearing; (2) trial counsel was ineffective during plea negotiations; (3) trial counsel was ineffective in advising him to reject the government's sentencing offer; and (4) his sentence was imposed in violation of his right to proof of all factors beyond a reasonable doubt.

The Court **ORDERS** the Government to file a response to Petitioner's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

DATED this 9th day of July, 2008.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge